

ORDINANCE NO. \_\_\_\_\_

**WHEREAS**, the Town Council is desirous of promoting the educational, cultural and economic welfare of the public of the Town by preserving and protecting historic structures and neighborhoods which serve as visible reminders of the history and heritage of the city, region, state and nation, and furthermore it is the purpose of this ordinance to strengthen the economy of the Town by stabilizing and improving property values in historic areas;

**I. NOW THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Kinder, in legal session convened, as follows, to-wit:

**SECTION 1. Commission Established**

There is hereby created a Commission to be known as the Historic District Commission of the Town of Kinder.

**SECTION 2. Recommendation and Appointment of Members**

The Commission shall consist of five (5) to fifteen (15) members, and shall be appointed by the Mayor.

**SECTION 3. Term; Vacancies**

Each of the members of the Commission shall be appointed for a term of four (4) years. The Chairman shall be elected by the members of the Commission. Whenever the term of a member of the Commission expires, the Mayor shall appoint his successor. The members may serve consecutive terms. The first commission shall have staggered terms: 1/4 with one (1) year terms, 1/4 with two (2) year terms, 1/4 with three (3) year terms and 1/4 with four (4) year terms. All commission members shall have a demonstrated knowledge of or interest, competence, or expertise in historic preservation. The commission shall seek the advice, as needed, of professionals in the related disciplines of architecture, history, architectural history, or archaeology, etc.

**SECTION 4. Administrative and Committees**

The staff of IMCAL (Imperial Calcaieu Regional Planning and Development Commission) will serve as advisor to the Commission and will act as liaison between the Commission and the Office of the Mayor. Nominal expenses necessary to carry out the duties of the Commission will be budgeted through the aforementioned department. The recording secretary for the Commission will be designated by the Mayor and all files, records, and minutes of the Commission will be maintained by the department. The Town Attorney shall be the ex officio attorney for the Commission. The Commission may designate and appoint, from among its members, various committees with such powers and duties as the Commission may have and prescribe.

**SECTION 5. Rules, Regulations and Guidelines; Meetings; Reports and Recommendations**

The Commission shall make such rules and regulations as it may deem advisable and necessary for the conduct of its affairs not inconsistent with the laws of the Town and State. The Commission shall meet monthly, but meetings may be held at any time by the Commission on the written request of any of the five (5) to fifteen (15) members or on the call of the Chairman of the Commission or of the Mayor. The Commission shall make quarterly reports to the Mayor and Council containing a statement of its activities. Copies of the rules, regulations and guidelines are available at the Historic District Commission office.

#### **SECTION 6. Purpose.**

The Kinder Historic District Commission shall have for its purpose the preservation and stewardship of all structures in the designated Historic District of the Town. The commission shall have for its further purpose the guardianship of those structures which have architectural and historical value and which should be preserved for the benefit of the people of the Town and State.

#### **SECTION 7. Definition of Historic District.**

The following area of the Town of Kinder is hereby designated as the "Kinder Historic District," to wit:

Third Avenue from Hwy 165 West to Property Line between Seventh Street and Eighth Street; Along the Property Line from Third Avenue North to Fifth Avenue; Along Fifth Avenue from Property Line between Seventh Street and Eighth Street East to Hwy 165; and then along Hwy 165 from Fifth Avenue to Third Avenue.

#### **SECTION 8. Submission of Plans to Commission for Exterior Changes**

- A. The owner of any property within the Historic District shall apply for a permit or Certificate of Appropriateness from the Commission before the commencement of any work in:
  1. the erection of any new building or other construction in the Kinder Historic District; or
  2. the alteration or addition to any existing structure in the Kinder Historic District; or
  3. the painting, repairing or demolishing of any existing building situated within the Kinder Historic District..
  4. the relocation of any building into or out of the Kinder Historic District.
- B. The application therefore shall be made to the Commission, accompanied by the full plans and specifications thereof so far as they relate to the proposed appearance, color, texture or materials and architectural design of the exterior, including the front, sides, rear and roof of such buildings, alterations or addition of any building or outbuilding, party wall, courtyard, sidewalk, driveway, parking area, fence or other dependency thereof.
- C. Where, by reason of topographical conditions, irregularly shaped lots, or because of unusual circumstance applicable solely to the particular applicant, strict enforcement of the provisions of this Ordinance would result in serious undue hardship peculiarly affecting said applicant, then the commission, in passing upon his application, shall have the power to vary or modify adherence to this Ordinance provided always that its requirements insure harmony with the general purposes hereof, and will not adversely affect the Historic District as a whole.

#### **SECTION 9. Commission Recommendation and Action Thereon**

The Kinder Historic District Commission shall, upon due consideration, render its decision concerning the approval or disapproval of the issuance of the permit, which may include such changes, if any, as in its judgement are reasonably necessary to comply with the requirements of this Ordinance, and send its decision, in writing, to the applicant and the Building Inspector. If the permit is approved, the Building Inspector shall promptly issue a permit for such work in conformance with the Commission's decision.

#### **SECTION 10. Appeals**

Any person or persons aggrieved by any decision, act or proceedings of the Kinder Historic District Commission shall have a right to apply in writing to the Town Council for reversal or modification thereof; and the Mayor, or presiding officer of the Town Council, shall have the right to stay all further action until the Town Council shall have had an opportunity to rule thereon. Any such appeal shall be taken in ten days from date of the written decision, and the Town Council may consider said appeal at its next general or special meeting, but, in any event, not more than forty-five days thereafter. The Town Council may affirm a decision of the Kinder Historic District Commission by majority vote of all its members. The Town Council shall have the right to reverse, change or modify any decision of the Kinder Historic District Commission by majority vote of all its members.

Any person or persons aggrieved by any decision of the Town Council affecting said Historic District shall have the right to file a civil suit within thirty days from date of decision in a court of competent jurisdiction under the usual rules of procedure governing same, with the right to stay order and injunctive relief provided the situation warrants it.

#### **SECTION 11. Injunctions**

Whenever any person has engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of this Ordinance, the Commission may make application to the appropriate Court for an order enjoining such act or practice, or requiring such person to refrain from such prospective violation or to remedy such violation by restoring the affected property to its previous condition. Upon a showing by the Commission or the Town that such person has engaged or is about to engage in such act or practice, a permanent or temporary injunction, temporary restraining order, or other appropriate order shall be granted without bond.

#### **SECTION 12. Penalties**

Any owner, agent, lessee or other person acting for or in conjunction with him, who shall violate the Kinder Historic District Ordinance or law or rules, regulations or decisions of the Commission, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00) for each infraction. Each day that a violation continues shall constitute a separate offense.

#### **SECTION 13. Stopping Work Commenced Without Permit**

The Building Inspector shall promptly stop any work attempted to be done without or contrary to a permit issued under this Ordinance and shall promptly prosecute any person responsible for such a violation of this Ordinance or engaged in such violation. Any officer or authorized agent of the Commission shall exercise concurrent or independent powers with the Building Inspector in prosecuting violations of this Ordinance and stopping work attempted to be done without or contrary to the permits reported by the Ordinance.

#### **SECTION 14. Provisions of Ordinance Prevail in Case of Conflict**

The provisions of this Ordinance shall govern and take precedence over any other provisions of any ordinance or codes of the Town of Kinder.

## **SECTION 17. Floodlights**

The Kinder Historic District shall not be illuminated by privately controlled floodlights or other illumination except as approved by the Historic District Commission or as permitted specifically by this Ordinance.

## **SECTION 18. Overhanging Balconies**

No overhanging balconies or galleries may be removed, but new or additional balconies may be erected if they conform to the distinctive architecture of the Kinder Historic District. The permit for all such new construction or any renovation shall be subject to the requirements of this Ordinance.

## **SECTION 19. Signs**

### **A. Definitions**

1. SIGN shall include any symbol, device, image, poster, flag, banner, billboards, design or directional sign used for advertising purposes, whether painted upon, attached to, erected on, or otherwise maintained on any premises containing any words, letters, or parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trade marks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business or a commodity or product, which is visible from any public street and is used to attract attention.
2. DISPLAY includes erect, paint, repaint, place, replace, hang, rehang, repair, maintain paint directly upon a building or other structure, inlay, embed in, or otherwise exhibit in public view.

### **B. Signs Must Conform to Character of Section**

In addition to the prohibitions contained in this section, approval of the display of a sign in the Kinder Historic District of the Town shall be granted by the Commission only when such signs and the plans therefor, so far as they relate to the appearance, color, size, position, method of attachment, texture of materials and design, conform to the quaint and distinctive character of the Kinder Historic District or do not injuriously affect it or impair the value to the community of those buildings having architectural or historical worth.

### **C. No Signs to be Displayed in Certain Places**

No sign shall be displayed from the parapet or roofs of any buildings in the Historic District. No sign shall be displayed or placed in any manner whatsoever so as to disfigure or conceal any significant architectural feature or detail of any building.

### **D. What Signs May Advertise**

No sign shall be displayed in the Kinder Historic District unless such sign advertises a bona fide business conducted in or on the premises and, if it does do so, no more than fifty (50%) percent of the area of such sign may be used to advertise products or commodities actually sold on the premises. This is exclusive of any pre-existing, historic/"ghost" signs.

### **E. Number of Primary Signs**

In general, one primary sign is allowed to each store, shop, or bona fide place of business, and this sign shall be no larger than the maximum stipulated in this Ordinance.

1. In the case of a business operated on a corner lot that faces two streets, one primary sign on each street facing is allowed and shall be regulated as if each side were a separate storefront.
2. In the case of a single sign being inappropriate, multiple primary signs may be used, the total face area of which may not exceed the maximum size stipulated in this article.

## SECTION 15. New Construction

Proposals for new construction in the Kinder Historic District should seek compatibility with existing structures through the appropriate use of site planning, materials, decorative details, architectural elements, and scale. A proposal should not draw unnecessary attention to itself in any one of these characteristics. However, a proposal should not duplicate or copy historic styles and periods. The architectural context is of primary concern.

- A. Scale: [The relationship of the building and its elements including doors and windows) to other structures in the district.] It is important in considering scale, that a careful study be made of the height, width, and mass of buildings in the immediate neighborhood and district as a whole. This study should serve to confirm or deny the appropriateness of the height, width, and mass for the proposed building. Maximum height of any new structure shall conform to The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings. In no case shall a new structure exceed a height of 75 feet above the street.
- B. Siting: [The positioning of a building on a lot.] This process includes determining the setback of a building, the spacing of this building from adjacent buildings, and the location of the walls, fences, walks, drives, and landscaping, if any of these are used in the overall design.
- C. Materials: [The surface building fabric which contributes to the exterior character and appearance of a building.]
- D. Decorative Details: [Ornamentation or embellishment.] These include cornices, lintels, arches, balustrades, chimneys, shutters, columns, and other details. When used, details should create a unifying effect on a building and should be compatible with the context of the neighborhood.
- E. Architectural Elements: [Parts of a building that are integral to its composition.] These include balconies, roofs, porches, chimneys, dormers, parapets, and other parts of a building that contribute to its overall shape and silhouette. The choice and arrangement of elements of a proposed building should reflect those of other buildings in the neighborhood. The building should not draw unnecessary attention to itself by failing to relate to neighboring styles. But neither should it copy these styles. The object is to compliment the context of the Kinder Historic District.

The Kinder Historic District Commission shall follow The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, & Reconstructing Historic Buildings in considering all proposals for new construction and/or rehabilitation.

## SECTION 16. Fences

Fence design must be in harmony with the nature of the district. The following fencing materials are generally acceptable: iron picket, brick, hardboard, and wood picket.

The following fencing materials are not acceptable: barbed wire, chain-link, concrete block, stockade, plywood, or asbestos board.

**L. Building Code Applicable to Signs**

All signs under this section shall be further governed by existing regulations of the Building Code of the City which are not in conflict with this section.

**M. Application for Signs to be Submitted to Commission**

All applications for permits to display signs within the Historic District of the Town shall be submitted to the historic District Commission office for approval before a permit therefore may be issued in conformity with SECTION 9.

**N. Form of Application to Display Signs; Accompanying Drawings**

Application for a permit to display signs in the Historic District of the Town shall be made to the Commission upon forms furnished by the Commission. Such an application shall also be accompanied by sketches and drawings in triplicate showing details of construction and foundation when required by the Building Code of the Town and shall delineate the size, shape, design, coloring, lighting, and position in relation to the building from or upon which it shall be displayed.

**SECTION 20. Aerials, Antennas etc., Prohibited**

The construction of aerials, antennas, or satellite dishes of any type within the Kinder Historic District is prohibited without the express approval of the Kinder Historic District.

**SECTION 21. Minimum Maintenance Requirements**

In order to insure the protective maintenance of resources, the exterior features of such properties shall be maintained to meet the requirements of the Town's Minimum Housing Code and the Town's Building Code.

**SECTION 22. Demolition by Neglect**

- A. Any resource which is a landmark and all resources within a preservation district shall be preserved by the owner or such other person or persons as may have the legal custody or control thereof against decay and deterioration and free from unreasonable structural defect. The owner or other person having legal custody and control thereof shall repair such resource if it is found to have one or more of the following defects:
1. Deterioration to the extent that creates or permits a hazardous or unsafe condition as determined by the Town Building Inspector.
  2. Deterioration, as determined by the Town Building Inspector, of a building characterized by one or more of the following:
    - a. Those buildings which have parts thereof which are so attached that they may fall and injure persons or property.
    - b. Deteriorated or inadequate foundations.
    - c. Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads with safety.
    - d. Members of walls or other vertical supports that split, lean, list, or buckle due to defective material, workmanship, or deterioration.
    - e. Members of walls or other vertical supports that are insufficient to carry imposed loads with safety.
    - f. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material, workmanship or deterioration.
    - g. Members of ceilings, roof, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety.

F. Surface Area of Signs

The surface area of any sign shall be in direct proportion to the amount of front footage of each ownership and shall be as follows:

1. For single faced signs, attached flat against the wall and including painted wall signs there shall be allowed thirty (30) square inches of sign surface area to each foot of lot frontage.
2. For double faced signs, suspended by brackets or arms perpendicularly from the wall of a building, the surface area shall be the sum of the area of each face not to exceed thirty (30) square inches of sign surface area to each foot of lot frontage.
3. In the case of multiple businesses operating at a single location, the total face area of signage may be increased to  $1\frac{1}{2}$  times the maximum stipulated in this article.

G. Secondary Signs

In addition to the primary sign(s) referred to in Section 19, E, small secondary signs may be used to identify the following:

1. Entrance Doors
2. Opening Hours
3. Temporary Signs

H. Temporary Signs

Temporary signs of a promotional nature may be placed on the interior of store windows. In no case may they remain longer than sixty days. A permit is not required for the placement of a temporary sign. Temporary signs may be placed on the exterior of a building for the following special situations:

1. For the identity fo real estate for sale.
2. For political advertisement. Except for signs larger than 2' X 2' yard sign, no application is required.
3. For promotion by non-profit organizations. In no case may these signs exceed the size limitations of this Ordinance.

I. Portable and Changeable Letter Signs

No portable or changeable letter signs may be erected or allowed to remain within the Kinder Historic District.

J. Illuminated Signs

No illuminated signs may be constructed or erected within the Kinder Historic District without the express approval of the Historic District Commission.

1. Concealed lighting is recommended. Bulbs may not be exposed. The light should enhance the sign as well as the building on which it is mounted.
2. Internally illuminated signs are not permitted.
3. Flashing, or intermittent signs (exclusive of historic signs) are not permitted.

K. Signs No Longer Complying as to Advertisement to be Taken Down

Any sign displayed which no longer advertises a bona fide business (exclusive of historic or "ghost" signs) conducted upon the premises shall, upon notification by the Kinder Historic District Commission or its agent (who is hereby specifically authorized to so proceed), be taken down, removed or obliterated within five (5) days after such notification and failure to so comply on the part of the owner, occupant, agent or person having the beneficial use of any building or premises upon which such sign may be found shall subject such person to the penalty provided in Section 12.

- h.. Fireplaces or chimneys which list, bulge, or settle due to defective material, workmanship, or deterioration.
  - i. Any fault, defect, or condition in the building which renders the same structurally unsafe or not properly watertight.
- B. If the Commission makes a preliminary determination that a resource is being demolished by neglect, it shall direct the Town Building Official to notify the owner(s) of the resource of this preliminary determination, stating the reasons therefore, and shall give the owner of record thirty (30) days from the date of mailing of such notice or the posting thereof on the property, whichever comes later, to commence work to correct the specific defects as determined by the commission.

Said notice shall be given as follows:

- 1. By certified mail, restricted delivery, mailed to the last known address of the record owner(s) as listed on the Town and/or Parish tax rolls.
  - 2. If the above mailing procedure is not successful, notice shall be posted in a conspicuous, protected place on the resource.
- C. If the owner(s) fail(s) to commence work within the time allotted as evidenced by a Building Permit, the Commission shall notify the owner(s) in the manner provided above to appear at a public hearing before the Commission at a date, time and place to be specified in said notice, which shall be mailed or posted at least thirty (30) days before said hearing. For the purpose of insuring lawful notice, a hearing may be continued to a new date and time. The Commission shall receive evidence on the issue of whether the subject resource should be repaired and the owner(s) may present evidence in rebuttal thereto. If, after such hearing, the Commission shall determine that the resource is being demolished by neglect, it may direct the Town Building Official to take appropriate action against the owner(s) if the necessary repairs are not completed within ninety (90) days of the determination by the Commission that the subject building or structure is being demolished by neglect.

**II. BE IT FURTHER ORDAINED** that if any provision of this Ordinance or the application thereof to any person or circumstance is declared to be unconstitutional by judgement of Court, then in that event, only that particular provision shall be deemed unconstitutional, and the remaining provisions of this Ordinance shall not be affected thereby.

**III. BE IT FURTHER ORDAINED** that this Ordinance shall be binding and shall go into effect after public hearing and publication in accordance with law.

**IV. BE IT FURTHER ORDAINED** that it is the intention of the Town Council and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, Town of Kinder, Louisiana, and the sections of this Ordinance may be numbered to accomplish such intention.

The above Ordinance was passed under emergency provisions on the 9th day of September, 1996.



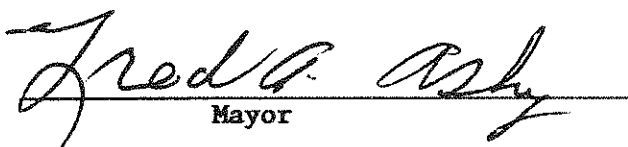
The above Ordinance having been submitted to a vote by the Mayor, the vote thereupon was recorded as follows, to wit:

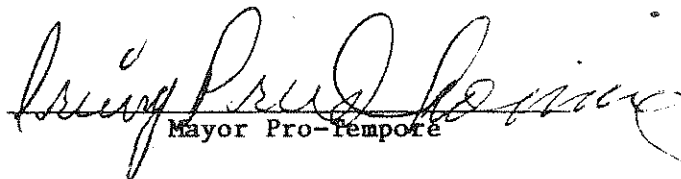
**AYES:** Betty Wilhelmi, Estes LeDoux, Jr., Susan Doumite, Irving Prudhomme, and Johnny Savant.

**NAYS:** none

**ABSENT:** none

**THEREUPON**, the Mayor declared the Ordinance **PASSED** by a vote of 5 ayes to 0 nays, this 9th day of September, 1996.

  
Mayor

  
Mayor Pro-Tempore

Issued by

TOWN OF KINDER, LOUISIANA

HISTORIC DISTRICT COMMISSION